

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

29259

FILE: B-216224**DATE:** September 6, 1984**MATTER OF:** Grace Industries, Inc.**DIGEST:**

Protest alleging improprieties in an IFB apparent prior to bid opening must be filed with either the contracting agency or GAO before the time set for opening bids in order to be considered.

Grace Industries, Inc. protests that specification defects exist in invitation for bids (IFB) No. N62470-83-B-5333 issued by the Department of the Navy. The protest is untimely.

Our Bid Protest Procedures provide that a protest alleging improprieties in an IFB which are apparent prior to bid opening must be filed with either the contracting agency or this Office before the time set for opening bids in order to be considered. 4 C.F.R. § 21.2(b)(1) (1984). Here, although prior to the August 21, 1984 bid opening Grace asked the Navy for certain clarifications with respect to the specifications, the firm did not file a protest before that date. In this regard, a communication to an agency must contain an expression of dissatisfaction and a request for corrective action if the communication is to be considered an agency protest. See Kearflex Engineering Co., B-212537, Feb. 22, 1984, 84-1 CPD ¶ 214.

Since Grace's protest to this Office was not filed (received) until August 27, nearly a week after bids were opened, the matter is untimely raised and will not be considered on the merits. Zytron, B-213576, Dec. 28, 1983, 84-1 CPD ¶ 34.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

029947